

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

United States of America

v.

Nima TAMANG

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Damon Willaman, being duly sworn, do hereby declare and state the following:

1. I am a Deputy United States Marshal (DUSM) assigned to the Southern District of Ohio, Columbus Office, and have been so employed since June 2010. I am a graduate of Basic Deputy U.S. Marshal Academy at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA in October 2010 as well as the Criminal Investigator Training Program at FLETC in August 2010. I also receive regular in-service training in fugitive and sex offender investigations from the U.S. Marshals Service (USMS) as well as various other federal and state resources. During my career, I have been assigned to multiple fugitive, escape and sex offender investigations. I am the District Sex Offender Coordinator (DSOC) for the Southern District of Ohio and primarily conduct investigations involving sexual offenders and their duty to register. As a DSOC, I am authorized under 28 U.S.C. § 564 to enforce the laws of the United States, including violations of the Sex Offender Registration and Notification Act (SORNA), 42 U.S.C. § 16901, *et seq.*, and federal Failure to Register offenses, pursuant to 18 U.S.C. § 2250.
2. I am the case deputy for an investigation of Nima TAMANG (DOB **/**/1986, SSN xxx-xx-5844) for U.S.C. 2250 Failure to Register as a Convicted Sex Offender. My investigation began on 9/21/2022 after the USMS in the Southern District of Ohio (S/OH) received a lead from the USMS in the District of South Dakota (D/SD). DUSM Cole Willnerd (D/SD) advised that TAMANG, a convicted sex offender from South Dakota, was residing in Columbus, OH, which is within the Southern District of Ohio. TAMANG did not notify South Dakota authorities of his new address or attempt to register with Ohio authorities.
3. On 8/11/2014, TAMANG was convicted of Rape 4th Degree - Victim 13 but Less Than 16 in the Minnehaha County SD Circuit Court (Case #49CRI13003694) in violation of South Dakota Code Section 22-22-1(5). As a result of this conviction, TAMANG was sentenced to fifteen (15) years in prison and was classified as a Tier III sex offender. In South Dakota, Tier III registrants are required to register for life and bi-annually verify registration information. On 8/12/2014, TAMANG signed a document acknowledging that he must register as a sex offender. This document also states that TAMANG is required to report any change of address in person within 3 days of relocation, including moves out of the state. The home of record that was listed on the form that TAMANG signed was 4511 E 3rd St, Apt. 14, Sioux Falls, SD 57110.

4. DUSM Willnerd first became aware of TAMANG in September 2022 when he was assigned the investigation into TAMANG's whereabouts. On 4/24/2017, the Minnehaha County, SD Sheriff's Office had issued an arrest warrant for TAMANG charging him with Failure to Register as a Sex Offender (Case #155805). This warrant has limited extradition. DUSM Willnerd searched multiple local and federal law enforcement databases in an attempt to locate TAMANG. DUSM Willnerd learned that TAMANG had been arrested multiple times by various agencies in the Columbus, OH area spanning the years 2018 through 2022. DUSM Willnerd subsequently obtained five police reports on TAMANG, showing TAMANG has been a central Ohio resident for over four years.
5. On 11/7/2022, the Ohio Attorney General's Office provided a letter to DUSM Willaman stating that TAMANG's conviction in South Dakota for Rape 4th Degree - Victim 13 but Less Than 16, is substantially equivalent to the Ohio Offense - Revised Code 2907.04(A) Unlawful Sexual Conduct with a Minor. This charge would require TAMANG to register as a sex offender in the State of Ohio under Ohio Revised Code 2950.04/041.
6. A search of law enforcement databases reveals that TAMANG has never registered as a sex offender in the State of Ohio. TAMANG's last known registration was with the Sioux Falls, SD Police Department on 04/06/17. TAMANG provided the address of 901 N Cleveland Ave, Apt. 12, Sioux Falls, SD 57103.
7. On 10/26/2022, DUSM Willaman conducted an in-person interview of TAMANG, who was being held in the Franklin County, OH Jail on several Theft charges. Task Force Officer (TFO) Bryan Hawkins attended and witnessed the interview. TFO Hawkins is employed as a Special Agent with Immigration & Customs Enforcement (ICE). TAMANG voluntarily waived his Miranda rights and agreed to speak with agents. TAMANG acknowledged that he is a sex offender from South Dakota and said that he has been in Ohio since 2018 or 2019. TAMANG admitted that he has never registered as a sex offender in the State of Ohio. TAMANG believed the last time that he registered was in 2016 or 2017 in South Dakota.

8. Based on the foregoing facts and my knowledge and experience, I submit there is probable cause to believe that Nima TAMANG, being a person required to register under SORNA, did travel in interstate or foreign commerce and did knowingly fail to register or update his registration as required by SORNA, in violation of 18 U.S.C. § 2250(a).



Damon Willaman
Deputy U.S. Marshal
United States Marshals Service

Sworn before me and subscribed in my presence on the 13th day of February 2023, in Columbus, Ohio.



United States Magistrate Judge
Chelsey M. Vascara
Southern District of Ohio